

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

OLEG SOCOLOV,

Petitioner

v.

ATTORNEY GENERAL OF THE U.S.,

Respondent

Case No.: 2:21-cv-00356-JAD-VCF

**Order Denying Motions for
Reconsideration and to Reopen Case**

[ECF Nos. 11, 12]

Oleg Socolov submitted a pro se 28 U.S.C. § 2241 petition for a writ of habeas corpus challenging his continued detention by U.S. Immigration and Customs Enforcement pending enforcement of his final removal order.¹ Because he failed to properly commence the case and his claims were unexhausted, I dismissed the petition without prejudice and entered judgment.²

Socolov moves for reconsideration and to reopen this case.³ Neither motion is meritorious. Socolov argues that the dismissal was improper because he had, in fact, exhausted the remedies that were available to him because the Board of Immigration Appeals (BIA) lacked jurisdiction over his appeal. But he has also filed an amended petition⁴ in which he states that on July 28, 2021, the BIA decided his motion to reconsider custody determination as well as his appeal of the Immigration Judge's bond decision.⁵ This belies Socolov's claim two weeks

¹ ECF No. 8.

² ECF Nos. 9, 10.

³ ECF Nos. 11, 12.

⁴ ECF No. 14.

⁵ *Id.* at 1-2.

1 earlier in his motion for reconsideration that he had already exhausted his administrative
2 remedies by then. So I deny the motion for reconsideration.

3 I also deny the motion to reopen this case. In December 2021, Socolov opened a new
4 federal habeas immigration case and filed the most recent version of his petition in that matter.⁶
5 This—not a request to reopen the instant, improperly commenced action—was the correct way to
6 proceed with those claims. The court in that new action reviewed the petition and has directed
7 the Clerk of Court to serve it on the respondents.⁷ Reopening this case would only result in
8 duplicate proceedings.

9 IT IS THEREFORE ORDERED that petitioner's motions for reconsideration and to
10 reopen **[ECF Nos. 11, 12] are DENIED.**

11 IT IS FURTHER ORDERED that a certificate of appealability is denied because jurists
12 of reason would not disagree with this conclusion.

13 IT IS FURTHER ORDERED that **the Clerk of Court is directed to refund the second**
14 **filing fee** paid in this case as reflected at ECF No. 13.

15 Dated: February 25, 2022

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17 U.S. District Judge Jennifer A. Dorsey
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23 ⁶ *Socolov v. Attorney General*, 2:21-cv-002200-RFB-EJY.

⁷ *Id.* at ECF No. 4.